

UNITED STATES DISTRICT COURT

for the
Eastern District of Missouri

In the Matter of the Search of)

IN THE MATTER OF THE SEARCH OF THE PREMISES)
 LOCATED AT: 11839 COLBY CHASE ROAD, FLORISSANT,)
 MISSOURI, 63033. A ONE STORY BRICK HOME WITH WHITE)
 SIDING AND A BROWNISH RED ROOF. "ELEVEN EIGHT)
 THIRTY-NINE" APPEARS IN CURSIVE WRITING JUST ABOUT)
 THE WHITE DOUBLE GARAGE DOORS OF AN ATTACHED)
 GARAGE AND TO THE RIGHT OF THE FRONT DOOR. (SEE)
 ATTACHMENT (A))

4:23 MJ 6044 PLC

FILED UNDER SEALSIGNED AND SUBMITTED TO THE COURT FOR FILING BY
RELIABLE ELECTRONIC MEANS

APPLICATION FOR A SEARCH WARRANT

I, Bastian Freund, a federal law enforcement officer or an attorney for the government request a search warrant and state under penalty of perjury that I have reason to believe that on the following property:

SEE ATTACHMENT A

located in the Eastern District of Missouri, there is now concealed

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained

The search is related to a violation of:

Code Section		Offense Description
Title	Section	
18	1951	Hobbs Act Robbery (2 counts)
18	924(c) & 2	Aiding & Abetting in the Possession and Brandishing of a Firearm in Furtherance of a Crime of Violence

The application is based on these facts:

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED HEREIN BY REFERENCE.

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

I state under the penalty of perjury that the following is true and correct.



Applicant's signature

Bastian Freund, Special Agent FBI

Printed name and title

Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41.

Date: March 8, 2023



Judge's signature

City and State: St. Louis, Missouri

Honorable Patricia L. Cohen U.S. Magistrate Judge

Printed name and title

AUSA: Linda Lane

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

IN THE MATTER OF THE SEARCH OF)
THE PREMISES LOCATED AT: **11839**)
COLBY CHASE ROAD, FLORISSANT,)
MISSOURI, 63033. A ONE-STORY BRICK)
HOME WITH WHITE SIDING AND A)
BROWNISH RED ROOF. “ELEVEN EIGHT)
THIRTY-NINE” APPEARS IN CURSIVE)
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ATTACHMENT A))

No.4:23MJ6044 PLC

FILED UNDER SEAL

SIGNED AND SUBMITTED TO THE COURT
FOR FILING BY RELIABLE ELECTRONIC MEANS

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Bastian Freund, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as **11839 Colby Chase Road, Florissant, Missouri 63033** (hereinafter the “**Subject Premises**”) further described in Attachment A, for the things described in Attachment B, which constitute evidence, fruits and instrumentalities of violations of, among other crimes, Hobbs Act Robbery, in violation of 18 U.S.C. § 1951; Aiding and Abetting in the Possession and Brandishing a Firearm in Furtherance of a Crime of Violence, in violation of 18 U.S.C. §§ 924(c) and 2; and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g) (the “**Subject Offenses**”)

2. I am a Special Agent with the Federal Bureau of Investigation and have been since March 2003. I have received law enforcement training from the FBI academy at Quantico, Virginia. I am currently assigned to the FBI St. Louis Division’s Violent Crimes Task Force.

Throughout my tenure at the FBI I have primarily investigates bank robberies, carjackings, and Hobbs Act Robberies. As a result of my training and experience, I am familiar with techniques and methods of operation used by individuals involved in criminal activity. I have participated in or have knowledge related to investigative techniques such as evidence collection, use of confidential informants, and sophisticated techniques such as using cellular telephone records to identify subjects or corroborate evidence.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from witnesses and Ferguson Police Department and Berkeley Police Department officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Samuel Nance (Nance) participated in an armed robbery of a Dollar General Store located at 6225 N. Hanley Road, Berkeley, Missouri 63134, in violation of Title 18 U.S.C. § 1951, Hobbs Act Robbery, and Title 18 U.S.C. §§ 924(c), and 2, Aiding and Abetting in the Possession and Brandishing of a Firearm in Furtherance of a Crime of Violence. There is further probable cause to believe that Nance resides at 11839 Colby Chase Road, Florissant, Missouri 63033 and that items of evidentiary value are now located within the residence.

5. As set forth below, there is probable cause to believe that Nance committed the Subject Offenses. There is also probable cause to search the information described in Attachment A for evidence of this crime and contraband or fruits of these crimes, as described in Attachment B and some of which are depicted in Attachment C.

LOCATION TO BE SEARCHED

6. The property to be searched is the premises located at: **11839 Colby Chase Road, Florissant, Missouri 63033**. The **Subject Premises** is described as a one-story brick home with white siding and a brownish red roof. “Eleven Eight Thirty-Nine” appears in cursive writing just above the white double garage doors of the attached garage and to the right of the front door.

INVESTIGATION AND PROBABLE CAUSE

7. The Federal Bureau of Investigation, in coordination with the Berkeley Police Department and Ferguson Police Department, are investigating a series of robberies in violation of Title 18, United States Code 1951, 924, 2 and 922(g). The robberies occurred within the county of St. Louis within the Eastern District of Missouri.

8. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, on October 9, 2022, at approximately 6:38 PM, the Berkeley Police Department responded to a robbery at Dollar General, located at 6225 N. Hanley Road, Berkeley, Missouri. The victim employee stated they were at the register when two black male subjects entered the store. Subject 1, later identified as Samuel Nance, (“Subject 1-Nance”) was wearing a dark colored face mask that covered his nose and mouth, dark colored hoodie with “Champion” in white across the chest, dark colored sweatpants with “FILA” written down the side, and one dark colored glove and one purple glove. Subject 2, later identified as Deon Walker, (“Subject 2-Walker”) was described as wearing dark colored face mask that covered his face, dark colored jacket, dark colored pants, dark colored Adidas shoes with white stripes, and dark colored gloves (See Attachment C). When the two Subjects entered the store, the employee noticed them because they were wearing hoods and face masks. The employee asked Subject 1- Nance and Subject 2 -Walker to remove their hoods. At

that time, Subject 2-Walker presented a black semi-automatic firearm and demanded money. The Subjects also ordered everyone in the store to get on the floor. The employee opened the cash register for Subject 2-Walker who was armed with a firearm while Subject 1-Nance took money from the second cash register. The employee was then ordered to open the cigarette case. Subject 1- Nance and Subject 2-Walker then took multiple packs of Newport cigarettes. After the Subjects obtained the money and cigarettes, they fled the store on foot.

9. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, Berkeley Police Department conducted interviews of witnesses and victims and collected video from the store's surveillance system. Following the robbery, an audit conducted by Dollar General Employees indicated a loss of \$481.23 in United States currency and \$588.90 worth of Newport cigarettes. The Berkeley Police Department conducted a canvas of the neighboring business and collected surveillance video in order to determine the route of flight from the Dollar General.

10. According to my review of Ferguson Police Department Incident Report number 22-03118 and my discussion with Ferguson Police Department officers, on October 9, 2022, at approximately 7:50 PM, Ferguson Police Department responded to the Family Dollar located at 10809 New Halls Ferry Road for a robbery. Responding Ferguson Police Department Officers learned that two Subjects entered the store and committed an armed robbery. Based on review of the surveillance footage from the Family Dollar that happened just over an hour earlier, Ferguson and Berkeley Police Department officers realized that the same two Subjects, namely Subject 1-Nance and Subject 2- Walker described above, committed the robbery of the Ferguson Family Dollar wearing the same clothing and brandishing what appeared to be the same black semi-automatic firearm. In summary, after entering the store, Subject 2-Walker pointed a gun at an

employee and demanded money. At that time, a customer attempted to flee the store. Subject 1-Nance jumped over a counter and blocked the customer from escaping. At the same time, Subject 2-Walker took out the cash register drawer from the cash register. Both Subjects then fled the store on foot with Subject 2-Walker carrying the cash register drawer.

11. According to my review of Ferguson Police Department Incident Report number 22-03118 and my discussion with Ferguson Police Department officers, Ferguson Police Department conducted interviews of witnesses and victims and collected video from the store's surveillance system. Following the robbery, an audit conducted by Dollar General Employees indicated a loss of \$486.63 in United States currency.

12. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, on October 10, 2022, Berkeley Police Department Officers obtained surveillance video from Airport Carwash, 8635 Airport Road, Berkeley, Missouri. This surveillance video covered the time period of 6:01 PM to 6:30 PM on October 9, 2022. The surveillance video showed what appeared to be a red Mitsubishi Outlander, with a dent on the rear passenger side, enter the parking lot at Petromart, 8601 Airport Road, Berkeley, Missouri, and then exit the parking lot. The Mitsubishi crossed Airport Road and then drove behind the Title Max at 8640 Airport Road, Berkeley, Missouri, at approximately 6:08 PM. Moments later, two subjects emerge from behind the Title Max and walk towards the Petromart. The suspects match the description of Subject 1-Nance and Subject 2-Walker. At approximately 6:22 PM, consistent with moments after the robbery of the Dollar General, the video depicted the same subjects running behind the Petromart near the trash dumpsters towards the Airport Carwash. The suspects were observed dropping packs of cigarettes as they crossed Airport Road towards the

Title Max. Berkeley Police Department Officers searched the rear of Title Max and located 2 packs of Newports.

13. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, on October 10, 2022, at approximately 10:03 PM, Berkeley Police Department Officers located a red Mitsubishi Outlander at Phillip 66 service station located at 9790 Natural Bridge Road Berkeley, Missouri. The red Mitsubishi Outlander had a Missouri registration, EH6K3S was unoccupied at the time. A record check on the license plates returned registration to Serita Johnson (“Johnson”) at 11839 Colby Chase Road, Florissant, Missouri 63033, the **Subject Premises**. The Berkeley Police Department spoke with the clerk from Phillip 66 who stated the vehicle was parked and left on the evening of Sunday, October 9, 2022, at approximately 8:00 PM. The clerk provided surveillance footage at a later date. The red Mitsubishi Outlander was seized and towed to the Berkeley Police Department for further investigation and processing.

14. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, Berkeley Police Department checked relevant databases for individuals associated with the address to on 11839 Colby Chase Road, Florissant, Missouri, the **Subject Premises**. The Berkeley Police Department identified Samuel Nance and Deon Walker as being associated with the address. Nance and Walker both had prior interactions with the Berkeley Police Department and Nance had an active warrant.

15. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, Berkeley Police Department compared images of Subject 1 and Subject 2 to known images of Nance and Walker. The first set

of images were from Phillips 66 gas station while the second set of images were from the Missouri Drivers License of Nance and Walker:



16. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, on October 10, 2022, Berkeley Police Department interviewed Johnson at 11839 Colby Chase Road. Johnson told Berkeley Police Department Officers that her grandson, Nance, borrowed her red Mitsubishi Outlander on October 9, 2022. Johnson advised Nance was with her other grandson, Deon Walker. Johnson stated she picked up her two grandsons at the Phillips 66 at 9790 Natural Bridge late Sunday night October 9, 2022. Johnson picked Nance and Walker up because they lost the red Mitsubishi Outlander's key fob. During the interview Johnson was shown footage of Subject 1 and Subject 2 exiting the red Mitsubishi Outlander at the Phillip 66. Johnson identified Subject 1 as Nance and Subject 2 as Deon Walker. Johnson was asked if Officers could speak with Nance, and she stated that "he was not home." While Berkeley Police Department Officers were talking with Johnson, Nance, who had been sleeping in "his room" according to the Berkely Police report, came to the door. Nance was placed in handcuffs and taken to the Berkeley Police Department.

17. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, Berkeley Police Department

obtained a signed consent to search form from Serita Johnson for her 2018, red Mitsubishi Outlander. While searching the red Mitsubishi Outlander at the Berkeley Police Department, Berkeley Police Department Officers observed a dent on the vehicle that matched the dent seen in surveillance video recovered from Phillips 66 gas station, 9790 Natural Bridge, Berkeley, Missouri.

18. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, on October 10, 2022, after Nance was advised of his Miranda Rights, Nance agreed to talk with Berkeley Police Department Officers. Nance stated he was driving the red Mitsubishi Outlander on Sunday, October 9, 2022, with Walker. Nance further stated he drove the vehicle all day until he lost the key fob and parked the red Mitsubishi Outlander at the Phillip 66 gas station. Nance denied participating in or having knowledge of any robberies. At the time of his interview, Berkeley Police Department Officers seized Nance's cellular telephone as evidence. Nance was subsequently release. Nance has been charged by St. Louis County Prosecuting Attorney with armed robbery but remains at large.

19. According to my review of Berkeley Police Department Incident Report number 22-2165 and discussions with Berkeley Police Department officers, on October 26, 2022, Walker was arrested by the Berkeley Police Department. Walker was subsequently read his Miranda Rights and then interviewed. Walker was shown images of an individual. Walker identified the depicted individual as himself. At that time, interviewing Berkeley Police Department Officers advised Walker that the images were from surveillance footage at the Phillips 66 gas station taken after the robbery at Dollar General. Shortly thereafter Walker invoked his right to a lawyer. Walker was charged with robbery and is currently in custody at the St. Louis County Jail.

20. Your affiant reviewed the video from the Phillip 66 service station located at 9790 Natural Bridge Road Berkeley, Missouri from the night of October 9, 2022. The red Mitsubishi Outlander was observed pulling up next to a gas pump at approximately 8:13 PM. Nance exited the driver's side of the red Mitsubishi Outlander and Walker exited the front passenger side. Nance appeared to be wearing some of the same clothing items as Subject 1 was wearing during the above described two armed robberies. Those items included the dark colored hoodie with "Champion" in white across the chest and dark colored sweatpants with "FILA" written down the side. Nance now also had a fanny pack slung across his shoulder. The fanny pack was black with three white stripes. Walker appeared to be wearing some of the same clothing items as Subject 2-Walker was wearing during the above described two armed robberies. Those items included the dark colored pants and dark colored Adidas shoes with white stripes. Walker was wearing a blue t-shirt, not a black jacket as depicted in the video from the robberies. A black female wearing a pink and grey top and black pants exited the back passenger seat of the red Mitsubishi Outlander. The female remains unidentified at the time of this warrant application. After sitting in the Phillips 66 lot for approximately 2 hours and 15 minutes, a white SUV arrived and pulled up next to the red Mitsubishi Outlander. A female whom your affiant believed to be Johnson exited the white SUV and interacted with Nance and Walker. While speaking to Walker, Nance retrieved what appeared to be the cash register drawer from the back of the red Mitsubishi Outlander and placed it into the white SUV. A short time later, Walker and Nance departed in the white SUV with Johnson, the female in the pink and grey top, as well as an additional unknown female who arrived with Johnson in the white SUV.

21. On February 8, 2023, at approximately 11:00 AM, a spot check surveillance was conducted by your affiant at 11839 Colby Chase Road, Florissant, Missouri 63033, the **Subject**

Premises. Of interest to your affiant was a black male with long dreadlocks standing at the front door of the **Subject Premises**. Based on prior review of Nance's driver's license and arrest photos, Your affiant was able to positively identify the male as Nance. At approximately 11:13 A.M., a red Mitsubishi Outlander with Missouri registration EH6KS3, which returned to Serita Johnson, a black female, date of birth 12/26/1956, was observed driving on Priorybrook Road, Florissant, Missouri, toward the **Subject Premises**. Your affiant believed the driver of the vehicle was Serita Johnson.

22. On February 10, 2023, at approximately 11:00 AM, Special Agent Rodrigo Fuzon of the FBI conducted a spot check surveillance the **Subject Premises**. A red Mitsubishi Outlander with Missouri registration EH6K3S was parked in the driveway.

23. On February 14, 2023, a spot check surveillance was conducted by your affiant at the **Subject Premises**. A red Mitsubishi Outlander with Missouri registration EH6K3S was parked in the driveway.

24. On February 16, 2023, at approximately 7:22 AM a spot check surveillance was conducted by Special Agents Marshall Lynn of the FBI at the **Subject Premises**. A red Mitsubishi Outlander with Missouri registration EH63KS was parked in the driveway.

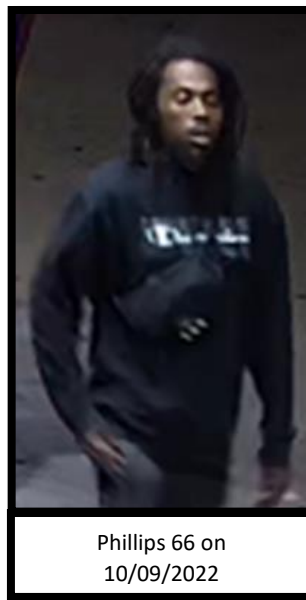
25. On February 17, 2023, at approximately 9:48 AM Special Agents Marshall Lynn of the FBI conducted a spot check surveillance of the **Subject Premises**. A red Mitsubishi Outlander with Missouri registration EH63KS was parked in the driveway.

26. On February 21, 2023, at approximately 7:33 AM Special Agents Marshall Lynn of the FBI a spot check surveillance of the **Subject Premises**. A red Mitsubishi Outlander with Missouri registration EH63KS was parked in the driveway.

27. On February 28, 2023, at approximately 1:21 PM, Special Agents Jaime Martinez of the FBI conducted a spot check surveillance of the **Subject Premises**. Agent Martinez observed the red Mitsubishi Outlander with Missouri registration EH63KS pull up to the **Subject Premises**. Nance exited the vehicle, walked up the driveway, and entered the house. The red Mitsubishi Outlander then left the area. Of particular interest was a black fanny pack with three white stripes slung across Nance's chest. Your affiant believed that the fanny pack was the same fanny pack Nance was wearing at the Phillip 66 service station located at 9790 Natural Bridge Road Berkeley, Missouri from the night of October 9, 2022.

28. On November 23, 2022, Special Agents Richard Atkins of the FBI applied for and was granted a search warrant for the cellular telephone belonging to Nance. The warrant was granted by the Honorable United States Magistrate Judge Nannette A. Baker under case 4:22 MJ 5327 NAB.

29. Your affiant conducted a review of Nance's cellular telephone seized on October 10, 2022. Numerous photos were found of Nance brandishing firearms to include black semi-automatic handgun. Also noted was at least one photograph of Walker posing with a black semi-automatic handgun. The type of firearm used in the two above-described robberies was what appeared to be a black semi-automatic handgun. An additional photograph viewed by your affiant depicted Nance sitting on a curb with a firearm in his lap and fanny pack slung across his shoulder. After Agents observed Nance with the white striped fanny pack on February 28, 2023, they reviewed pertinent video evidence in this matter. Video from the Phillips 66 service station at 9790 Natural Bridge Road, Berkeley, Missouri on October 9, 2022 showed Nance in possession of what appeared to be the same fanny pack. Your affiant believed that same fanny pack was in possession of Nance during surveillance conducted on February 28, 2023.



30. On March 1, 2023, at approximately 11:00 AM, a Federal Grand Jury in the Eastern District of Missouri indicted Deon Walker and Samuel Nance for two counts of violations of Title 18, United States Code, Section 1951 (Hobbs Act Robbery), and two counts of violations of Title 18, United States Code, Sections 924(c)(1)(A) and 2 (Aiding and Abetting in the Possession and Brandishing of a Firearm in Furtherance of a Crime of Violence).

31. Items from the robbery, including United States currency and Newport Cigarettes, the cash register drawer, the clothing, the fanny pack, and the firearm displayed during the robbery, have yet to be recovered.

32. Based on your affiants training and experience, I know it is common for individuals involved in robberies to keep the clothing worn for long periods of time. Furthermore, based on recent surveillance conducted in February, 2023, Nance was observed to be in possession of the fanny pack he had shortly after the robbery on October 9, 2022. I also have reason to believe that Nance continues to reside at the **Subject Premises** based on said surveillance.

CONCLUSION

33. Based on the totality of the circumstances, law enforcement believes that Nance is residing at the **Subject Premises**. Given the facts above, law enforcement believes a search warrant for the **Subject Premises** will assist investigators in arresting Nance and securing evidence of the subject offense, including proceeds from the robbery.


34. Based on the foregoing I submit that this affidavit supports probable cause for a warrant to search the **Subject Premises, 11839 Colby Chase Road, Florissant, Missouri 63033** described in Attachment A and seize the items described in Attachment B.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

35. I further request that the Court order that all papers in support of this application, including the affidavit and warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee/continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

I state under penalty of perjury that the foregoing is true and correct.

3/8/23
Date


Bastian Freund
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me by reliable electronic means, in accordance with Federal Rule of Criminal Procedure 4.1 on March 8, 2023.

Patricia L. Cohen
HONORABLE PATRICIA L. COHEN
United States Magistrate Court Judge
Eastern District of Missouri

ATTACHMENT A

4:23 MJ 6044 PLC

Property to be searched

The property to be searched is the premises located at: **11839 Colby Chase Road, Florissant, Missouri 63033**. The **Subject Premises** is described as a one-story brick home with white siding and a brownish red roof. “Eleven Eight Thirty-Nine” appears in cursive writing just above the white double garage doors of the attached garage and to the right of the front door.



ATTACHMENT B
4:23 MJ 6044 PLC

Property to be seized

All records and information relating to violations of Title 18 U.S.C. § 1951, Hobbs Act Robbery, Title 18, U.S.C. § § 924(c)(1)(A) and 2, Aiding and Abetting in the Possession and Brandishing of a Firearm in Furtherance of a Crime of Violence, and Title 18 U.S.C. § 922(g) Felon in Possession of a Firearm that constitute fruits, evidence, and instrumentalities of those violations involving Samuel Nance and others occurring after October 9, 2022, including the following:

- a. United States Currency;
- b. Financial documents establishing Nance and Walker's normal income and/or spending of robbery proceeds;
- c. Clothing consistent with clothing observed on the video and described in the supporting affidavit related to the above-described robberies (See Attachment C);
- d. The black with three white striped fanny pack;
- e. Nance's and Walker's cellular devices, electronic devices, and any evidence linking that cellular phone and/or electronic device to Nance or Walker;
- f. Documents related to the **Subject Premises** and Nance and Walker's ties to the **Subject Premises**; and;
- g. Documents connecting Nance and/or Walker to other co-conspirators.

ATTACHMENT C
4:23 MJ 6044 PLC

Photographs of Clothing Sought

